# READINGTON TOWNSHIP COMMITTEE VIRTUAL ONLINE MEETING –February 16, 2021

Mayor Albanese *calls the meeting to order at 5:30 p.m.* announcing that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

**PRESENT**: Mayor J. Albanese, Deputy Mayor J. Heller, Mrs. BA Fort, Mr. J. Huelsebusch

and Mr. B. Smith

ALSO PRESENT: Administrator R. Sheola, Municipal Clerk K. Parker, Attorney S. Dragan,

Engineer R. O'Brien

**ABSENT:** None

#### **EXECUTIVE SESSION:**

Clerk read the following Resolution:

# RESOLUTION EXECUTIVE SESSION

**WHEREAS**, N.J.S.A. 10:4-6 *et seq.*, the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

*WHEREAS*, the Township Committee is of the opinion that such circumstances presently exist and desires to authorize the exclusion of the public from the portion of the meeting in accordance with the act;

*NOW, THERFORE, BE IT RESOLVED* by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the specified subject matter as set forth in the following Exhibit "A."

# **EXHIBIT A**

Subject Matter	Basis Of Public Exclusion	<u>Date Antici</u> <u>Disclosed to</u>					
Professional Services / The Rogers Grp Contract Negotiations Certain information at the discretion of the Township Committee tonightother Information will remain confidential							
Historical Cemetery Maintenance Agreement / Mt. Amwell Project, In	Contract Negotiationsnc.		"	"			
Executive Session Minutes • February 1, 2020	Attorney-Client Privilege		"	"			
Oakland Dr W. Pump Station Upgr • Contract Negotiations / Med	ade Potential Litigationliator M. Nergaard, J.S.C.	"	"	"			
	Potential Litigation		" & Plaz	" ga 22 Corp.			
Block 48, Lot 23; Block 55, Lot 33 Block 56, Lots 1, 3, 6 & 8; Block 6 (Solberg Aviation)			66	"			

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It is anticipated at this time that the stated subject matter will be made public on or about the time set forth in Exhibit "A."

2. This Resolution shall take effect immediately.

*A MOTION* was made by Mr. Smith to adopt this resolution, seconded by Mr. Huelsebusch with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:30 p.m.

Mayor Albanese led those present in the Salute to the Flag.

#### Executive Session:

# Contract Negotiations / Professional Services / The Rogers Group

Mayor Albanese stated that this matter remains in Executive Session.

# Contract Negotiations / Historical Cemetery Maintenance Agreement / Mount Amwell Project, Inc.

*A MOTION* was made by Mrs. Fort to approve the second amendment to the maintenance agreement with the Mount Amwell Project to restore the Hankinson-Vorhees Cemetery, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mrs. Fort - Aye
Mr. Heller - Absent
Mr. Huelsebusch - Aye
Mr. Smith - Aye
Mayor Albanese - Aye

# Contract Negotiations / Professional Services / Van Cleef Engineering (Cornhuskers Park)

The following resolution was offered for consideration:

# #R-2021-42

# RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL, ENGINEERING AND PROFESSIONAL LAND SURVEYING SERVICES

**WHEREAS**, the Township of Readington adopted a resolution (#R-2021-28) authorizing the Township to enter into a contract with Van Cleef Engineering Associates; and

*WHEREAS*, the Township is in need of Landscape Architectural Services associated with Cornhuskers Park to create a Landscape and Lighting Design Plan; and

WHEREAS, Van Cleef Engineering Associates is willing to provide such services; and

**WHEREAS**, Van Cleef Engineering has determined that the cost for the scope of work to be completed shall be a fee not to exceed \$14,644.00; and

WHEREAS, the Township Administrator & Qualified Purchasing Agent recommends the award of a separate contract for this work; and

**WHERERAS**, it is necessary to amend the Professional Services Agreement to include the landscape architectural services to be provided to the Cornhuskers Park; and

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#### Resolution #R-2021-42 cont'd:

**NOW THEREFORE BE IT RESOLVED**, that copies of the amended Professional Service Contract is on file with the Municipal Clerk and are available there for public inspection.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

**A MOTION** was made by Mrs. Fort to adopt this resolution, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mrs. Fort - Aye
Mr. Heller - Absent
Mr. Huelsebusch - Aye
Mr. Smith - Aye
Mayor Albanese - Aye

# Contract Negotiations / Block 25, Lot 59

Mayor Albanese stated that this matter remains in Executive Session.

# Attorney-Client Privilege / Executive Session Minutes / February 1, 2021

*A MOTION* was made by Mrs. Fort to approve the Executive Session Minutes of February 1, 2021 for content only, seconded by Mr. Huelsebusch with a vote of ayes all, nays none recorded.

Mr. Heller joined the meeting at this time.

# Potential Litigation / Oakland Drive West Pump Station Upgrade

• Contract Negotiations / Mediator M. Nergaard, J.S.C. (Doyle & Associates)

*A MOTION* was made by Mrs. Fort to approve the retainer agreement for mediation services with Doyle & Associates, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mrs. Fort - Aye
Mr. Heller - Aye
Mr. Huelsebusch - Aye
Mr. Smith - Aye
Mayor Albanese - Aye

#### Potential Litigation / Affordable Housing

• Contract Negotiations / Memorandum of Understanding / SAVE Associates, Inc. & Plaza 22 Corp.

*A MOTION* was made by Mrs. Fort to approve the Memorandum of Understanding between the Township and SAVE Associates, Inc. & Plaza 22 Corp., seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mrs. Fort - Aye
Mr. Heller - Aye
Mr. Huelsebusch - Aye
Mr. Smith - Aye
Mayor Albanese - Aye

# • Potential Litigation / 216 Dove Cote Court

The following resolution was offered for consideration:

#### #R-2021-43

#### RESOLUTION REGARDING ACTION TO ENFORCE AFFORDABILITY CONTROLS

- *WHEREAS*, the Township of Readington ("Readington" or the "Township") has established an affordable housing program to provide for the ownership and rental of residential dwelling units by very low-, low-, and moderate-income households in order to satisfy its constitutional obligation pursuant to <u>Southern Burlington County N.A.A.C.P. v. Mt. Laurel</u>, 67 <u>N.J.</u> 151 (1975) and the <u>Mount Laurel</u> doctrine; and
- **WHEREAS**, the Township's affordable housing program maintains an inventory of residential dwelling units counting towards Readington's <u>Mount Laurel</u> obligation; and
- **WHEREAS**, certain real property identified on the Township's tax map as Block 21.06, Lot 302.25, more commonly referred to as 216 Dove Cote Court (the "Property"), is one such unit contained within the Township's affordable housing inventory; and
  - WHEREAS, the Property was conveyed to Marla Petty on March 27, 2015; and
- **WHEREAS**, in connection with the 2015 conveyance of the Property, Marla Petty executed certain documents, including a repayment note secured by a purchase-money mortgage and an affordable housing agreement; and
- **WHEREAS**, the affordable housing agreement executed by Marla Petty constituted a valid deed restriction (recorded with the Hunterdon County Clerk's Office on or about May 11, 2015), that ensured the Property would be preserved for affordable housing purposes for a term of at least thirty (30) years; and
- **WHEREAS**, after execution of said documents and instruments, Marla Petty failed to pay or otherwise furnish all amounts due to the mortgagee, resulting in the commencement of a mortgage foreclosure action by PennyMac Loan Services, LLC; and
- **WHEREAS**, the Township and PennyMac Loan Services, LLC entered into a consent order in said mortgage foreclosure action, which acknowledged that the affordability controls and deed restriction would survive any judgment of foreclosure; and
- **WHEREAS**, the consent order was entered by the Honorable Margaret Goodzeit, P.J. Ch. on or about September 3, 2019; and
- **WHEREAS**, PennyMac Loan Services, LLC subsequently obtained an uncontested final judgment of foreclosure, and became the temporary owner of the Property upon the conclusion of a Sheriff's sale conducted on or about February 12, 2020; and
- **WHEREAS**, upon the conclusion of the Sheriff's sale, PennyMac Loan Services, LLC was obligated to contact the Township's affordable housing office and coordinate the sale of the Property to a household on the Township's list of prequalified households waiting for an affordable unit to become available; and
- **WHEREAS**, such a sale to an individual or family qualified by the Township as a household in need of affordable housing cannot exceed the maximum resale price; and
- *WHEREAS*, to date, PennyMac Loan Services, LLC has failed to work with the Township to sell the Property to a qualified low- or moderate-income owner; and

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#### Resolution #R-2021-43 cont'd:

**WHEREAS**, upon information and belief, the Township's Administrative Agent/Affordable Housing Coordinator/Municipal Housing Liaison has learned that PennyMac Loan Services, LLC, or its successors, agents, and assigns, is attempting to effectuate a market-rate sale of the Property to interested purchaser(s) who are not qualified for affordable housing within the Township; and

**WHEREAS**, all attempts to work with PennyMac Loan Services, LLC to prevent a market-rate sale of the Property to non-qualifying interested parties have proven futile; and

*WHEREAS*, Township Committee has determined that authorizing a lawsuit in the Superior Court of New Jersey against PennyMac Loan Services, LLC, and its successors, agents, and assigns, is necessary to preserve the affordability controls and ensure the Property is purchased and occupied by a qualified household, in accordance with the Mount Laurel doctrine and Readington's constitutional obligation.

*NOW, THEREFORE, BE IT RESOLVED* by the Township Committee of the Township of Readington, as follows:

- 1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
- 2. The Mayor, Deputy Mayor, Township Administrator, Township Clerk, Township Housing Coordinator/Administrative Agent/Municipal Housing Liaison, and Township Attorney, as applicable, are hereby authorized and directed to prepare and execute any and all documents, and undertake any and all acts necessary, including Court action in the appropriate venue, to preserve the affordability controls on the Property and ensure same remains in the Township's affordable housing inventory for the applicable period of time, including any and all actions taken in furtherance thereof to date.

*A MOTION* was made by Mrs. Fort to adopt this resolution, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mrs. Fort - Aye
Mr. Heller - Aye
Mr. Huelsebusch - Aye
Mr. Smith - Aye
Mayor Albanese - Aye

Litigation / Solberg Aviation / Block 48, Lot 23; Block 55, Lot 33; Block 56, Lot 1, 3, 6 & 8; Block 39, Lot 24 and Block 67, Lot 2

Mayor Albanese stated that this matter remains in Executive Session.

Litigation / Civil Action Summons / Rosedale and Rosehill Cemetery Association vs. Township of Readington and the Township Committee of the Township of Readington

Mayor Albanese stated that this matter remains in Executive Session.

The following matters were added to the Executive Session Agenda:

Potential Litigation / Affordable Housing/Potential Affordable Housing Unit

Mayor Albanese stated that this matter remains in Executive Session.

Contract Negotiations / DPW & Building & Grounds (Local No. 469)

Mayor Albanese stated that this matter remains in Executive Session.

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#### **CONSENT AGENDA:**

Mayor Albanese read the following statement:

All items listed with an asterisk "\*" are considered to be routine by the Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a committee member or citizen requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

- 1. \* **APPROVAL OF MINUTES** of meeting of February 1, 2021
- 2. \* Resolution Authorizing Morris County Cooperative Purchases / Ultra Low Sulfur Diesel Fuel (Allied Oil)

The following resolution was offered for consideration:

#### #R-2021-44

#### RESOLUTION AUTHORIZING MORRIS COUNTY COOPERATIVE PURCHASES

**WHEREAS**, the Township of Readington wishes to purchase gasoline and diesel fuel from an authorized vendor under the Morris County Cooperative Purchasing Program for the calendar year 2021; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, NJS.A. 40A:II-12; and

*WHEREAS*, Griffith-Allied Trucking LLC, dba Allied Oil of 25 Old Camplain Road, Hillsborough, NJ 08844 has been awarded Morris County Cooperative Contract #1 for Gasoline, and Contract #12 for Ultra Low Sulfur Diesel Fuel, both for a three year period, January 1, 2020 - December 31, 2022; and

*WHEREAS*, the Administrator recommends the utilization of this contract on the grounds that it represents the best price available, not to exceed \$360,000 for Griffith-Allied Trucking LLC, dba Allied Oil.

WHEREAS, the Chief Finance Officer has certified the availability of funds for this contract.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that Griffith-Allied Trucking LLC, dba Allied Oil be awarded a contract for Gasoline and Ultra Low Sulfur Diesel Fuel; and

**BE IT FURTHER RESOLVED**, The Mayor and Township Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Township Attorney shall review any and all contractual documents prepared in furtherance of this award; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

- 3. \* Release of Board of Health Escrow / Block 70.01, Lot 17.01 (Munn)
- 4. \* Tax Lien Redemption

The following resolution was offered for consideration:

#### READINGTON TOWNSHIP

# HUNTERDON COUNTY, STATE OF NEW JERSEY

# **RESOLUTION**

**WHEREAS**, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 95, Lot 12.218 and,

*WHEREAS*, it is the desire of the Tax Collector to refund to the lienholder the redemption amount.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$706.38, plus a premium paid in the amount of \$800.00, known as Tax Sale Certificate #2020-019, to the lienholder, US Bank Cust/Pro Cap 8/Pro Capital Mgt II.

# 5. \* Payment of Bills – (Complete bill list is on file in Clerk's Office)

<b>Fund Description</b>	Fund No.	Fund No. Received Total	
CURRENT FUND	0-01	\$	29,794.84
SEWER APPROPRIATIONS	0-02	\$	5,324.80
CURRENT FUND	1-01	\$	933,502.66
SEWER APPROPRIATIONS	1-02	\$	885.91
TRUST FUNDS	X-03	\$	21,561.46
MISC REFUND, COUNTY TA	Χ,		
LIENS	X-05	\$	139,408.27
PAYROLL DEDUCTIONS	X-06	\$	203,018.48
2018 CAP IMPROVEMENTS	X-18	\$	733.75
2019 CAP IMPROVEMENTS	X-19	\$	1,644.00
2020 CAP IMPROVEMENTS	X-20	\$_	152,369.25
TOTAL OF ALL FUNDS			1,488,243.42

*A MOTION* was made by Mrs. Fort to approve the Consent Agenda, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

Mrs. Fort - Aye
Mr. Heller - Aye
Mr. Huelsebusch - Aye
Mr. Smith - Aye
Mayor Albanese - Aye

# **COMMENTS FROM THE PUBLIC** for items listed on the agenda only

John Broten, Dogwood Drive, asked for further clarification on the resolution adopted regarding Cornhuskers Park and the Memorandum of Understanding between the Township and SAVE Associates Inc. and Plaza 22 Corp.

#### **PUBLIC HEARINGS**

As it was after 7:45 p.m., *A MOTION* was made by Mrs. Fort to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

Clerk read by Title:

# ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

#### *ORDINANCE #-01-2021*

Mayor Albanese asked if there were any comments from the governing body.

There were none.

Mayor Albanese asked if there were any comments from the public.

Scott Scammell, Dreahook Road, inquired about the maximum dollar amount in the cap bank.

*A MOTION* was made by Mrs. Fort to close the Public Hearing and open the regular meeting, seconded by Mr. Smith with a vote of ayes all, nays none recorded.

Clerk read by Title:

# ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

#### *ORDINANCE #01-2021*

*A MOTION* was made by Mr. Smith to adopt this ordinance, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

Mrs. Fort - Aye
Mr. Heller - Aye
Mr. Huelsebusch - Aye
Mr. Smith - Aye
Mayor Albanese - Aye

#### CORRESPONDENCE / OTHER INFORMATION

- 1. Notice of Public Hearing from Township of Bedminster regarding Consideration to an Amendment to the Bedminster Township Master Plan: Land Use Plan Amendment and Housing Element and Fair Share Plan Amendment OR-V- Mixed Use (OR-V-MU) District. No action taken.
- 2. Public Notice Readington Township Planning Board from Martin Newmark, Esq. regarding Application of Solberg Aviation Company for Preliminary and Final Major Site Plan Approval to Allow for the Paving and Rehabilitation of a Runway and Associated Improvements Including the Installation of Runway End Indicator Lights, Precision Approach Path Indicators, and New Storm Water Basins at Premises Commonly Known as the Solberg Hunterdon Airport. No action taken.
- 3. Letter dated February 3, 2021 from Joshua Eckert, Counsel for Jersey Central Power & Light, regarding the Matter of the Implementation of <u>L.</u> 2018, C.17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs. No action taken.

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4. Letter dated February 9, 2021 from Maggie Schmitt, Township of Branchburg, regarding An Ordinance Repealing and Replacing Article XII "Stormwater Management", Section 12-2 "Stormwater Control for Major Developments" of the Land Development Ordinance of the Township of Branchburg, County of Somerset, State of New Jersey and An Ordinance Amending Article VI "Development Application Review Procedures", Section 6-6 "Checklists", Subsection 6-6.3 "Site Plan Submission Details and Requirements Checklist", Subsection 6-6.5 "Preliminary Major Subdivision - Plat Details and Requirements Checklist", and Subsection 6-6.66 "Final Subdivision - Plat Details and Requirements Checklist" of the Land Development Ordinance of the Township of Branchburg, County of Somerset, State of New Jersey." No action taken.

# **NEW BUSINESS**

1. *Request for Financial Support to Continue Land Preservation Work in 2021* - letter dated January 26, 2021 from Nancy Cunningham, President, Hunterdon Land Trust

*A MOTION* was made by Mr. Heller to approve the support of \$500 to the Hunterdon Land Trust, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

Mrs. Fort - Aye
Mr. Heller - Aye
Mr. Huelsebusch - Aye
Mr. Smith - Aye
Mayor Albanese - Aye

2. Resolution Memorializing Recommendation that Block 36, Lots 65 and 66 Be Designated as a Condemnation Area in Need of Redevelopment Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 Et. Seq.

Mayor Albanese stated that this matter will be tabled to a future date.

3. Resolution Memorializing Recommendation that Block 36, Lots 4, 5, 5.02 and 5.04 Be Designated as Non-Condemnation Area in Need of Redevelopment Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 Et. Seq.

Mayor Albanese stated that this matter will be tabled to a future date.

4. Approval of Summer Road Park Maintenance Plan and Application for Grant Resolution

Mayor Albanese stated that this matter will be tabled to a future date.

5. \* Resolution Authorizing Morris County Cooperative Purchases / Ultra Low Sulfur Diesel Fuel (Allied Oil)

This matter was addressed under the Consent Agenda.

6. \* Release of Board of Health Escrow / Block 70.01, Lot 17.01 (Munn)

This matter was addressed under the Consent Agenda.

# ADMINISTRATOR'S REPORT

Administrator Sheola reported that there will be a budget meeting on Wednesday, February 24<sup>th</sup> at 9:00 a.m. and the 2021 goal setting meeting has been rescheduled to Saturday, February 27<sup>th</sup>. Administrator Sheola requested consideration to establish a mailbox replacement policy.

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The following resolution was offered for consideration:

#### #R-2021-45

# TOWNSHIP OF READINGTON RESOLUTION

WHEREAS, the Department of Public Works is responsible for snow plowing township roads; and

**WHEREAS**, on occasion when plowing the roads, a resident's mailbox may be damaged during the snow plowing process; and

**WHEREAS**, a resident may request a mailbox replacement through the Department of Public Works and a copy of the United States Postal Services standard instructions will be provided along with a statement acknowledging receipt of the replacement mailbox; and

WHERES, the Township assumes no liability for improperly installed mailboxes and posts; and

**WHEREAS**, should a resident not be satisfied with the current policy, a tort claim may be submitted with at least three (3) photographs of the mailbox in question along with a completed "Mailbox Replacement Form" which will be forwarded to the Township insurance carrier.

**NOW THEREFORE BE IT RESOLVED**, the Readington Township Committee adopts the mailbox policy as set forth.

*A MOTION* was made by Mr. Heller to adopt this resolution, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

Mrs. Fort - Aye
Mr. Heller - Aye
Mr. Huelsebusch - Aye
Mr. Smith - Aye
Mayor Albanese - Aye

#### ATTORNEY'S REPORT

Attorney Dragan stated that she had nothing further to report.

#### **COMMITTEE REPORTS**

# **BETTY ANN FORT**

Mrs. Fort stated that she had nothing further to report.

#### JONATHAN HELLER

Mr. Heller commented that the Department of Public Works has done a tremendous job maintaining the Township roads and keeping them safe.

#### JUERGEN HUELSEBUSCH

Mr. Huelsebusch reported that open space volunteer opportunities will be coming up in March and April.

# **BENJAMIN SMITH**

Mr. Smith commented on the Annual Debt Statement, noting it has been posted to the Township website.

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# **JOHN ALBANESE**

Mayor Albanese reported that the Planning Board is currently hearing the Solberg Aviation and Verano applications. Mayor Albanese further reported that the Recreation Department is working on spring programs.

#### **COMMENTS FROM THE PUBLIC**

Scott Scammell, Dreahook Road, inquired about affordable housing construction located in Raritan Township and also asked if there would be any consideration of COVID tax relief for residents.

Bob Schoenfeld, Oldwick Road, asked for clarification on the comment regarding the Solberg debt that was noted in the Mayor's Corner. Mr. Schoenfeld noted that addresses should be listed with block and lots and further inquired about the selection process of the Waterwatch Advisory Board.

Jerry Cook, Railroad Lane, stated his interest in being a part of a Township Green Team.

#### COMMENTS FROM THE GOVERNING BODY

There were no comments from the Governing Body.

As there was no further business, *A MOTION* was made by Mr. Heller at 8:40 p.m. to adjourn the meeting, seconded by Mr. Huelsebusch with vote of ayes all, nays none recorded.

Respectfully Submitted:

Karin M Parker, *RMC* Municipal Clerk